



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/883,590

06/18/2001

Renee Frengut

1017.8002

1985

44538 7590 03/07/2007  
DANIEL S. POLLEY, P.A.  
1215 EAST BROWARD BOULEVARD  
FORT LAUDERDALE, FL 33301

EXAMINER

BOYCE, ANDRE D

ART UNIT

PAPER NUMBER

3623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
--	-----------	---------------

3 MONTHS

03/07/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/883,590

Applicant(s)

FRENGUT, RENE E

Examiner

Andre Boyce

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,5,7,10,12-18,21,22,24-26,32,33,35,36,40-42,44-52 and 54-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5,7,10,12-18,21,22,24-26,32,33,35,36,40-42,44-52 and 54-58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 26, 2006 has been entered.
2. Claims 1, 12, 21, 22, 33, 41, 42, 47 and 52 have been amended. Claims 43 and 53 have been canceled. Claims 1, 5, 7, 10, 12-18, 21, 22, 24-26, 32, 33, 35, 36, 40-42, 44-52 and 54-58 are pending.

### ***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1, 7, 12, 13, 16, 18, 21, 22, 24-26, 32, 33, 35, 36, 40-42, 44-52 and 54-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig et al (USPN 6,237,025), in view of e-Focusgroups.com (March 5, 2000 version of the website).

As per claim 1, Ludwig et al discloses a method for conducting a live study (e.g., multi-media collaboration teleconferencing including real time audio and video, column 4, lines 58-60) with one or more participants (i.e., real-time audio/video/data

communication via WAN, column 10, lines 18-21), said method, comprising, the steps of: (a) selecting one or more individuals for a specific online live study (i.e., multi-party conference wherein participants invited by selection, column 24, lines 58-67); (d) providing each of said one or more individuals and said moderator with an audio/video capture mechanism (e.g., collaborative multimedia workstation (CMW) readily imposed onto an existing workstation, column 5, lines 14-19) that is connectable to a machine that permits live audiovisual two-way images and communication across a network (i.e., CMW 12 provides high-quality live video image and audio of the CMW operator, column 6, lines 29-36) (f) conducting the live study at the website by capturing live video images of the individuals and moderator and live audio communications between and among the individuals (i.e., real-time audio/video images of participants in conference, column 6, lines 40-44) and the moderator based on questions asked or stimuli shown to the individuals over the network (i.e., data conferencing, including snapshot and application sharing, wherein any participant can point at or annotate the shared data, column 9, lines 18-31).

Ludwig et al does not explicitly disclose conducting a specific online live study being held at a website on the Internet at a certain time, (b) providing each individual with sign-in information for the specific online study, (c) selecting a moderator for conducting the specific online live study, wherein the one or more individuals are selected based on their willingness to participate in the live online study and not based on any business relationship or business connection of the one or more participants with the moderator, said moderator and said one or more individuals

Art Unit: 3623

independent from each other and not from a same organization or business entity and (e) permitting said one or more individuals to participate in the specific online live study by allowing said one or more individuals to access the specific online live study by using their sign-in information at the website.

e-Focusgroups.com discloses a web-based online focus group, providing a secure DSL line and a chat-mediated, web based virtual room, wherein the site is secured so that only those respondents who meet the screening criteria and who are invited can participate (§§ 1-2), wherein the respondents are recruited from around the globe (§ 13). In addition, e-Focusgroups.com discloses providing a moderator and developing a moderator's interview guide (§ 15). Both Ludwig et al and e-Focusgroups.com are concerned with collaboration of individuals at geographically dispersed locations, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include conducting a specific online live study being held at a website on the Internet at a certain time, providing each individual with sign-in information for the specific online study, and selecting a moderator for conducting the specific online live study in Ludwig et al, as seen in e-Focusgroups.com, thus expanding the WAN communication disclosed in Ludwig et al to include the Internet, wherein the participants of Ludwig would comprise an online focus group, while increasing the participants that are able to collaborate in Ludwig et al, making the Ludwig et al system more flexible and robust.

As per claim 7, Ludwig et al disclose displaying a stimulus to the participants across the distributed network and, receiving one or more participant responses to

the stimulus across the distributed network (e.g., any participant can point at or annotate the shared data, column 9, lines 28-31).

As per claim 12, Ludwig et al discloses method for conducting a live study from a host machine over a network (e.g., multi-media collaboration teleconferencing including real time audio and video, column 4, lines 58-60), comprising, the steps of: selecting a set of candidates to participate in a live study (i.e., multi-party conference wherein participants invited by selection, column 24, lines 58-67), inviting the set of candidates to access the live study at a predetermined time interval (i.e., multi-party conference wherein participants invited by selection at the time of the conference, column 24, lines 58-67), wherein the candidates communicate with the host and/or each other using a respective user machine interface having live audio/video two-way image and communication mechanism connected thereto (e.g., collaborative multimedia workstation (CMW) readily imposed onto an existing workstation, column 5, lines 14-19), wherein each user machine is located geographically remote from the host (i.e., real-time audio/video/data communication via WAN, column 10, lines 18-21), initiating live two-way audio communication and video images between and among the host and/or the geographically remote user machines with at least a set of participants comprising a first portion of the set of candidates, during the predetermined time interval in substantially real time (i.e., CMW 12 provides high-quality live video image and audio of the CMW operator, column 6, lines 29-36); exhibiting over the network a stimulus to the participants (i.e., data conferencing, including snapshot and application sharing, wherein any participant can point at or

Art Unit: 3623

annotate the shared data, column 9, lines 18-31); and accumulating live participant images and responses to the stimulus over the network at the host (e.g., audio/video and data of the teleconference can be recorded at a CMW, or within MLAN 10, complete with all the data interactions, column 9, lines 36-39).

Ludwig et al does not explicitly disclose an online study to be conducted over the Internet, wherein the set of candidates are selected based on their willingness to participate in the live online study and not based on any business relationship or business connection of the set of candidates with the host, said set of candidates and said host are independent from each other and not from a same organization or business entity, and wherein the candidates access the live online study through sign-in information provided to candidates prior to a starting time for the live study. e-Focusgroups.com discloses a web-based online focus group, providing a secure DSL line and a chat-mediated, web based virtual room, wherein the site is secured so that only those respondents who meet the screening criteria and who are invited can participate (§§ 1-2), wherein the respondents are recruited from around the globe (§ 13). Both Ludwig et al and e-Focusgroups.com are concerned with collaboration of individuals at geographically dispersed locations, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include an online study to be conducted over the Internet, and wherein the candidates access the live online study through sign-in information provided to candidates prior to a starting time for the live study in Ludwig et al, as seen in e-Focusgroups.com, thus expanding the WAN communication disclosed in Ludwig et

al to include the Internet, wherein the participants of Ludwig would comprise an online focus group, thus making the Ludwig system more flexible and robust.

As per claim 13, Ludwig et al discloses verifying a presence of each participant throughout the live study (e.g., live video image of participants, column 6, lines 58-60).

As per claim 16, Ludwig et al discloses the additional step of selecting groups of participants for a predetermined stimulus, wherein the predetermined stimulus is shown to the participant group (i.e., data conferencing, including snapshot and application sharing, wherein any participant can point at or annotate the shared data, column 9, lines 18-31).

As per claim 18, Ludwig et al discloses the additional step of tabulating results of the live study (e.g., audio/video and data of the teleconference can be recorded at a CMW, or within MLAN 10, complete with all the data interactions, column 9, lines 36-39).

Claim 21 is rejected based upon the rejection to claim 12, since it is the system claim corresponding to the method claim.

As per claim 22, Ludwig et al discloses a sponsoring client is permitted to access the user responses and audio/video two-way communications between and among one or more users and the moderator (i.e., the expert is engaged in a videoconference with a field representative 201 and client 202, wherein the field representative shares a graphical image 210, column 36, lines 35-42). Ludwig et al does not explicitly disclose a sponsoring client device having distributed network



Art Unit: 3623

access wherein a sponsoring client is permitted to access the live online study while the live online study is ongoing unobtrusively to each user and can observe the submitted moderator stimuli, wherein said sponsoring client and said users independent from each other and not from a same organization or business entity. e-Focusgroups.com discloses a web-based online focus group, providing a secure DSL line and a chat-mediated, web based virtual room, wherein the site is secured so that only those respondents who meet the screening criteria and who are invited can participate (§§ 1-2), wherein the respondents are recruited from around the globe (§ 13). Moreover, clients can communicate with one another privately in the client room, as well as observing the interaction taking place in the discussion room (§ 26). In addition clients can communicate with the moderator without the respondents knowing (§ 26). Both Ludwig et al and e-Focusgroups.com are concerned with collaboration of individuals at geographically dispersed locations, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a sponsoring client device having distributed network access wherein a sponsoring client is permitted to access the live online study while the live online study is ongoing unobtrusively to each user in Ludwig et al, as seen in e-Focusgroups.com, thus allowing the participants to freely and openly interact as disclosed in e-Focusgroups.com, thus making the Ludwig system more flexible and robust.

As per claim 24, Ludwig et al disclose a user working from the user device observes a live audiovisual image of the user (i.e., audio/video received by a CMW 12 includes video images of participants, column 6, lines 40-44).

As per claims 25-26, Ludwig et al discloses a user working from the user device conducts live two-way audiovisual communications with one or more users (e.g., multi-media collaboration teleconferencing including real time audio and video, column 4, lines 58-60), and observes a set of submitted participant responses (i.e., data conferencing, including snapshot and application sharing, wherein any participant can point at or annotate the shared data, column 9, lines 18-31).

As per claim 32, Ludwig et al discloses said participants are selected from a group of candidates (i.e., multi-party conference wherein participants invited by selection, column 24, lines 58-67).

As per claim 33, Ludwig et al does not disclose permitting a client to access the website through sign-in information provided to the client to permit the client to view over the Internet the live online study while the live online study is ongoing; wherein the client is connected to the subject matter of the live online study, wherein the client and said one or more individuals independent from each other and not from a same organization or business entity. e-Focusgroups.com discloses a web-based online focus group, providing a secure DSL line and a chat-mediated, web based virtual room, wherein the site is secured so that only those respondents who meet the screening criteria and who are invited can participate (¶¶ 1-2), wherein the respondents are recruited from around the globe (¶ 13), and including customer

input into processes including new product development and evaluation (§ 10). Both Ludwig et al and e-Focusgroups.com are concerned with collaboration of individuals at geographically dispersed locations, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include permitting a client to access the website through sign-in information provided to the client to permit the client to view over the Internet the live online study while the live online study is ongoing in Ludwig et al, as seen in e-Focusgroups.com, thus expanding the WAN communication disclosed in Ludwig et al to include the Internet, wherein the participants of Ludwig would comprise an online focus group, thus making the Ludwig system more flexible and robust.

As per claim 35, Ludwig et al discloses recording an audiovisual record of the live study and delivering the audiovisual record to the client (e.g., audio/video and data of the teleconference can be recorded at a CMW, or within MLAN 10, complete with all the data interactions, column 9, lines 36-39).

As per claim 36, Ludwig et al discloses a number of candidates selected being fewer than all candidates available for selection (i.e., participants selected by collaboration initiator from group of all CMW users in initiator's rolodex, column 24, lines 45-52).

As per claim 40, Ludwig et al discloses a medium for storing accumulated recordings of the live audio and video communications between and among the moderator and other users, a processor for evaluating user responses, and an engine outputting results based on the user responses (e.g., audio/video and data of

the teleconference can be recorded at a CMW, or within MLAN 10, complete with all the data interactions, column 9, lines 36-39).

Claims 41, 42 and 52 are rejected based upon the same rationale as the rejection of claim 1, since they contains the same limitations therein.

As per claims 44-46, 54 and 55 Ludwig et al does not explicitly disclose wherein said sign-in information is provided to each individual and the moderator in advance of a scheduled date and time for the live online study and wherein the live study is secured and held online at a website and the sign-in information is a user id and password for each individual and permits the individual with access to the secured live study. e-Focusgroups.com discloses a web-based online focus group, providing a secure DSL line and a chat-mediated, web based virtual room, wherein the site is secured so that only those respondents who meet the screening criteria and who are invited can participate (§§ 1-2) , wherein inviting to an online focus group must include a scheduled time and place for the client, moderator, and respondents. Both Ludwig et al and e-Focusgroups.com are concerned with collaboration of individuals at geographically dispersed locations, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include said sign-in information is provided to each individual in advance of a scheduled date and time for the live online study and wherein the live study is secured and held online at a website and the sign-in information is a user id and password for each individual and permits the individual with access to the secured live study in Ludwig et al, as seen in e-Focusgroups.com, thus expanding the WAN communication disclosed in

Ludwig et al to include a secured website, wherein the participants of Ludwig et al would comprise participants who meet the screening criteria of the client, as disclosed in e-Focusgroups.com (¶ 2), thus making the Ludwig system more flexible and robust.

As per claim 47, Ludwig et al does not explicitly disclose permitting a client to access and observe an ongoing live online study over the Internet unobtrusively to the one or more individuals, wherein the client and said one or more individuals independent from each other and not from a same organization or business entity. e-Focusgroups.com discloses a web-based online focus group, providing a secure DSL line and a chat-mediated, web based virtual room, wherein the site is secured so that only those respondents who meet the screening criteria and who are invited can participate (¶¶ 1-2), wherein the respondents are recruited from around the globe (¶ 13). Moreover, clients can communicate with one another privately in the client room, as well as observing the interaction taking place in the discussion room (¶ 26). In addition clients can communicate with the moderator without the respondents knowing (¶ 26). Both Ludwig et al and e-Focusgroups.com are concerned with collaboration of individuals at geographically dispersed locations, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a sponsoring client device having distributed network access wherein a sponsoring client is permitted to access the live online study while the live online study is ongoing unobtrusively to each user in Ludwig et al, as seen in e-Focusgroups.com, thus allowing the participants to freely and openly

Art Unit: 3623

interact as disclosed in e-Focusgroups.com, thus making the Ludwig system more flexible and robust.

As per claims 48, 50, 56 and 58, Ludwig et al does not explicitly disclose preventing the client from communicating with the one or more individuals through the live online study while the live online study is being conducted and permitting the client to communicate with the moderator unobtrusively to the one or more individuals during the ongoing live online study. e-Focusgroups.com discloses clients communicating with one another privately in a client room and clients communicating with the moderator, but not the respondents (§ 26). Both Ludwig et al and e-Focusgroups.com are concerned with collaboration of individuals at geographically dispersed locations, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include preventing the client from communicating with the one or more individuals through the live online study while the live online study is being conducted in Ludwig et al, as seen in e-Focusgroups.com, thus keeping the client communications private while allowing the participants to carry on open discussions, as disclosed by e-Focusgroups.com, thus making the Ludwig system more flexible and robust.

As per claims 49 and 57, Ludwig et al does not disclose wherein said client is provided with sign-in information in advance of a scheduled date and time for the live online study in order to access and observe the ongoing live online study over the Internet. e-Focusgroups.com discloses the site is secured so that only those respondents who meet the screening criteria and who are invited can participate (§§)

Art Unit: 3623

1-2), wherein inviting to an online focus group must include a scheduled time and place for the client, moderator, and respondents. Both Ludwig et al and e-Focusgroups.com are concerned with collaboration of individuals at geographically dispersed locations, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include an online study to be conducted over the Internet, and wherein the candidates access the live online study through sign-in information provided to candidates prior to a starting time for the live study in Ludwig et al, as seen in e-Focusgroups.com, thus expanding the WAN communication disclosed in Ludwig et al to include the Internet, wherein the participants of Ludwig would comprise an online focus group, thus making the Ludwig system more flexible and robust.

As per claim 51, Ludwig et al does not explicitly disclose wherein said client is connected to the subject matter of the live online study. e-Focusgroups.com discloses including customer input into processes including new product development and evaluation (§ 10). Both Ludwig et al and e-Focusgroups.com are concerned with collaboration of individuals at geographically dispersed locations, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include said client is connected to the subject matter of the live online study in Ludwig et al, as seen in e-Focusgroups.com, thus expanding the WAN communication disclosed in Ludwig et al to include the Internet, wherein the participants of Ludwig would comprise an online focus group for a particular customer/client, thus making the Ludwig system more flexible and robust.

Art Unit: 3623

5. Claims 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig et al (USPN 6,237,025), in view of e-Focusgroups.com (March 5, 2000 version of the website), in further view of Thomas (US 2002/0002482).

As per claims 5 and 14, neither Ludwig et al nor e-Focusgroups.com disclose paying each participant a first sum for participating in the live study; and, paying a non-selected remainder portion of the candidates a second sum which is less in monetary amount than the first sum. Thomas discloses offering incentives to registered participants, including money (§ 0029), wherein non-registered participants would not receive any incentive (i.e., money), which is less than what registered participants would receive. Ludwig et al, e-Focusgroups.com, and Thomas are concerned with effective participant communication via electronic means, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include incentives for the respondents in Ludwig et al, thereby making participation more attractive to the plurality of potential respondents.

6. Claims 10, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig et al (USPN 6,237,025), in view of e-Focusgroups.com (March 5, 2000 version of the website), in further view of Davis (USPN 6,256,663).

As per claims 10 and 15, neither Ludwig et al nor e-Focusgroups.com explicitly disclose the additional step of officiating a follow-up interview with a participant, wherein the moderator displays additional stimulus and receives additional



Art Unit: 3623

participant response in response to the additional stimulus. Davis discloses that the moderator provides additional questions and/or information provided to the respondent (column 6, lines 63-67). Ludwig et al, e-Focusgroups.com, and Davis are concerned with effective participant communication via electronic means, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a moderator displays additional stimuli in Ludwig et al, similar to the expert disclosed by Ludwig et al (column 35, lines 23-34), wherein the system allows for remote access to expertise, thus making the system more robust.

As per claim 17, neither Ludwig et al nor e-Focusgroups.com explicitly disclose the additional step of dynamically selecting a particular stimulus for transmission over the distributed network to the participants in response to prior participant responses. Davis discloses that a client may modify or alter the direction of the focus group or suggest additional stimuli (column 6, lines 61-65). Ludwig et al, e-Focusgroups.com and Davis are concerned with effective participant communication via electronic means, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a moderator in Ludwig et al, similar to the expert disclosed by Ludwig et al (column 35, lines 23-34), wherein the system allows for remote access to expertise, thus making the system more robust.

***Response to Arguments***

7. In the Remarks, Applicant argues that Ludwig drastically differs from Applicant's invention, since in Ludwig all of the people to the conference are from the same business entity or organization and have a prior connection and are not independent. The Examiner submits that e-Focusgroups.com discloses the moderator and participants being independent, wherein the respondents recruited from around the globe (§ 13). In addition, Applicant also argues that a Ludwig company would not turn to an independently owned third party website (e.g., e-focusgroup) to run its conference. The Examiner respectfully submits that Applicant's assertion is merely an opinion and is not supported by any evidence and does not rebut a prima facie case of obviousness. MPEP §2145.

Applicant also argues that Ludwig is concerned with interpersonal communications between individuals from the same organization, and that a company does not perform a focus group study with its own employees. The Examiner respectfully submits that Applicant's assertion, that a company does not perform a focus group study with its own employees, is merely an opinion and is not supported by any evidence and does not rebut a prima facie case of obviousness. MPEP §2145. In addition, Ludwig discloses various participants teleconferencing with a remote expert in order to ask and answer questions with respect to a specific subject, which may indeed be deemed a focus group (column 35, lines 23-27).

Applicant also argues that there is no motivation, teaching, or suggestion in Ludwig for having certain communications not heard by the other participants. The

Art Unit: 3623

Examiner respectfully disagrees and submits that Ludwig discloses the multi-party conference including menu items that can be used to place individual participants on hold (column 24, lines 27-33).

Lastly, Applicant contends that requiring participants to have sign-in and password information to join a conference only complicates Ludwig. The Examiner respectfully submits that Applicant's assertion is merely an opinion and is not supported by any evidence and does not rebut a prima facie case of obviousness. MPEP §2145.

### ***Conclusion***


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (571) 272-6726. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

adb  
March 3, 2007

  
ANDRE BOYCE  
PATENT EXAMINER  
A.U. 3623